

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TREVOR MURRAY,

Plaintiff,

14 CV 927 (KPF)

- against -

**DECLARATION OF
ROBERT B. STULBERG**

UBS SECURITIES, LLC and UBS AG,

Defendants.

ROBERT B. STULBERG, under penalty of perjury, pursuant to 28 U.S.C. § 1746,
declares that the following is true and correct:

1. I am a member of the firm Broach & Stulberg, LLP, attorneys for the plaintiff in the above-captioned action, and a member of the bar of this Court. I make this declaration in support of Plaintiffs Reply Memorandum of Law in Support of Motions in Limine. I am familiar with the facts and circumstances herein.

2. Annexed hereto as Exhibit A is a copy of a September 13, 2017 letter from Amy F. Shulman, Esq. to Gabrielle Levin, Esq.

3. Annexed hereto as Exhibit B is a copy of excerpts from the October 14, 2015 Deposition of Trevor Murray in the above-referenced action.

4. Annexed hereto as Exhibit C is a copy of excerpts from the October 14, 2015 Deposition of Trevor Murray in the above-referenced action.

5. Annexed hereto as Exhibit D is a copy of excerpts from the January 20, 2016 Deposition of Stuart Kleinman, M.D. in the above-referenced action.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
November 17, 2017



ROBERT B. STULBERG

EXHIBIT A



Amy F. Shulman
Partner
ashulman@brostul.com

T 212.268.1000
F 212.947.6010
www.brostul.com

One Penn Plaza, Suite 2601
New York, New York 10119

September 13, 2017

BY EMAIL and MAIL

Gabrielle Levin, Esq.
Gibson, Dunn & Crutcher, LLP
200 Park Avenue
New York, New York 10166

Re: Murray v. UBS Securities LLC, et al., 14 CV 927 (KPF)

Dear Gabrielle:

We write in response to your July 20, 2017 letter regarding your request that Plaintiff produce new documents and information and be deposed in October 2017.

As an initial matter, your July 20 letter requests production of information and documents relating to Plaintiffs "income from any source other than UBS since January 2012." As you know, Plaintiff objected to producing documents or information regarding unearned income, and, by Orders dated July 31, 2015 and October 27, 2015, the Court denied Defendants' requests for production of documents and information regarding unearned income. Thus, Defendants' request for any documents or information regarding unearned income are improper.

Moreover, fact discovery in this case concluded on October 31, 2015. Plaintiff served initial written discovery responses on or about June 9, 2015, Supplemental Interrogatory Responses on August 18, 2015, Second Supplemental Responses on December 18, 2015, and Third Supplemental Responses on February 9, 2016. Throughout the discovery period, Plaintiff produced almost 2000 pages of documents. Further, Defendants had more than ample opportunity to depose Plaintiff during his deposition on October 14, 2015.

Your July 20 letter essentially seeks to create a new one-sided discovery period right before trial in this action is scheduled to begin on December 4, 2017. Moreover, contrary to your July 20 letter, the passage of time since the close of discovery does not, on its own, render Plaintiffs discovery responses incomplete or inaccurate. See, e.g., Thompson v. Retirement Plan for Employees of S.C. Johnson & Sons, Inc., 2010 WL 2735694 (E.D. Wis. July 12, 2010). Thus, given the current posture of this case, your instant request, made almost two years after the close of discovery and shortly before trial, for a whole new round of paper and document discovery and a new deposition is, inter alia, untimely, unduly burdensome, overly broad, and not within the letter or spirit of Fed. R. Civ. P. 26.

Without waiver of or prejudice to our objections to your July 20 letter, however, and in the interest of resolving this dispute amicably, we are prepared to produce Plaintiffs Forms 1099

Gabrielle Levin, Esq.
September 13, 2017
Page2

and W-2 for 2015 and 2016, to update Plaintiffs responses and objections to Interrogatory No. 6, and, to the extent that documents concerning Plaintiffs attempts to mitigate his damages exist, to produce them. We note, however, that, to the extent that any such documents or information refer to employers or potential employers of Plaintiff, we object to any attempt by Defendants to issue third-party subpoenas to those entities or individuals.

Given the position you have taken in the July 20 letter, please confirm that Defendants will be promptly supplementing their discovery responses, including, without limitation, by producing all post-discovery (and other) documents and information upon which Defendants may rely at trial and all documents and information concerning any of the allegations and/or defenses in this action.

Finally, this letter is sent without prejudice to or waiver of any of Plaintiffs positions or claims in this action and without waiver of or prejudice to any position in Plaintiffs July 21, 2017 or August 31, 2017 letters.


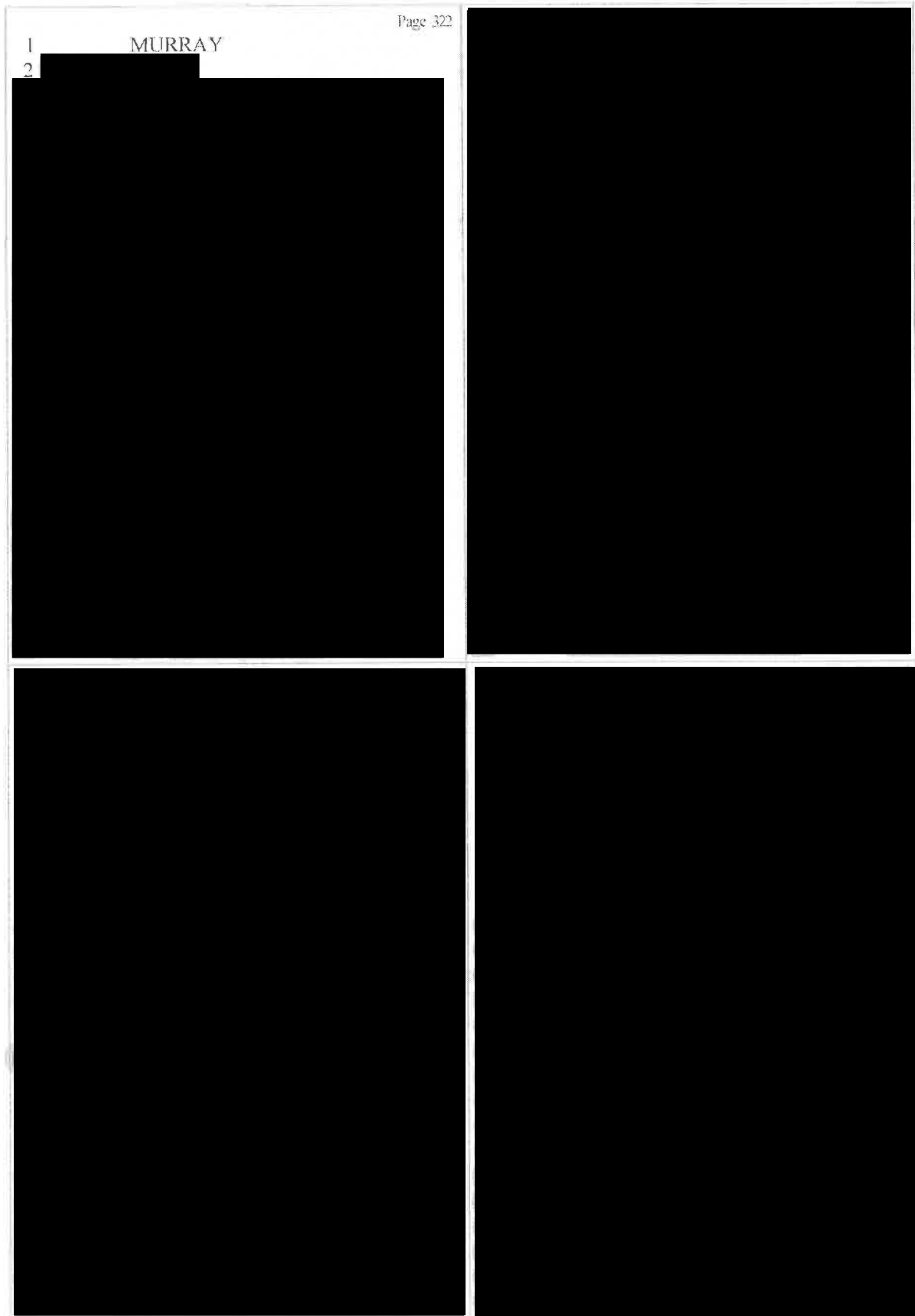
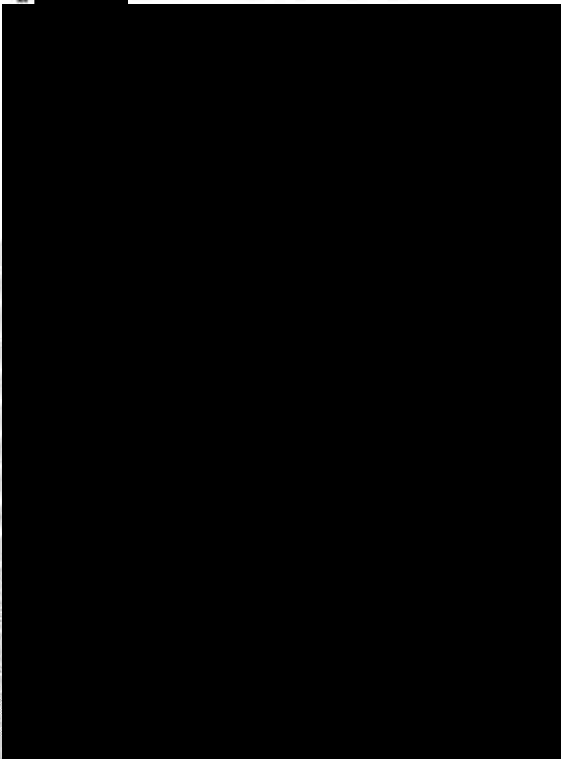
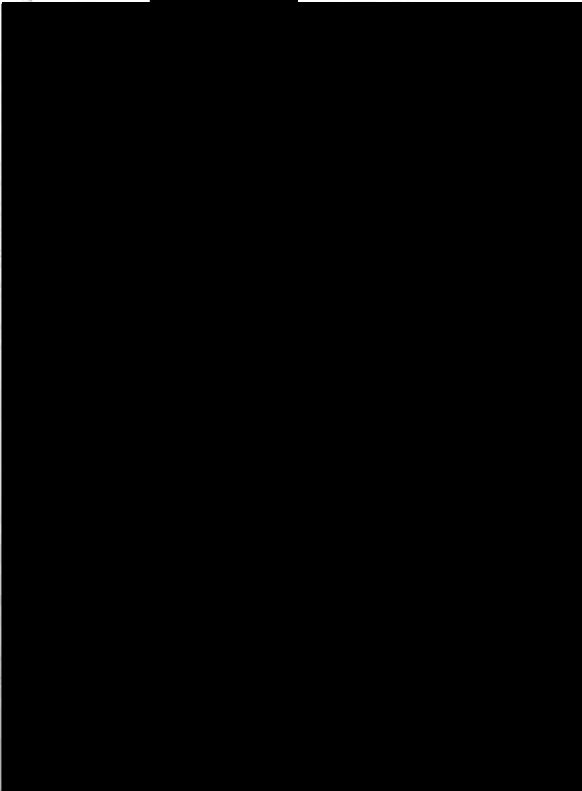
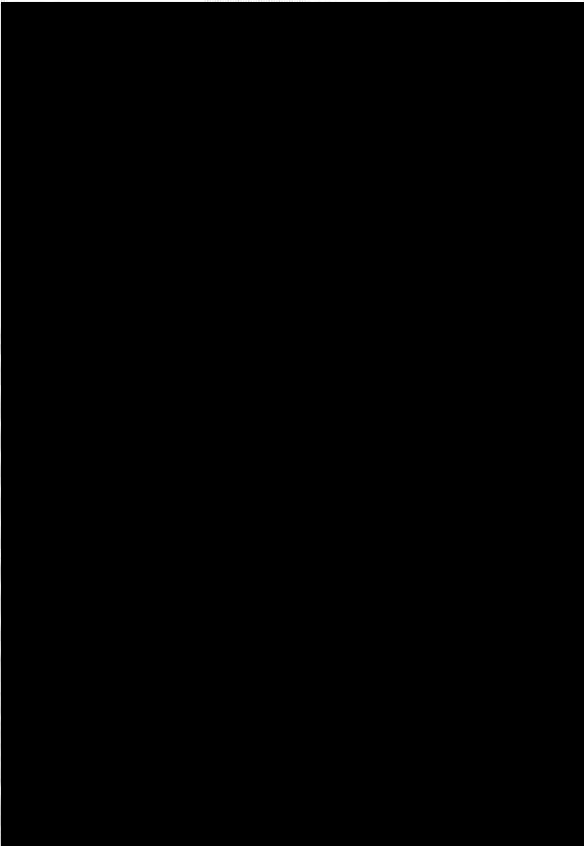

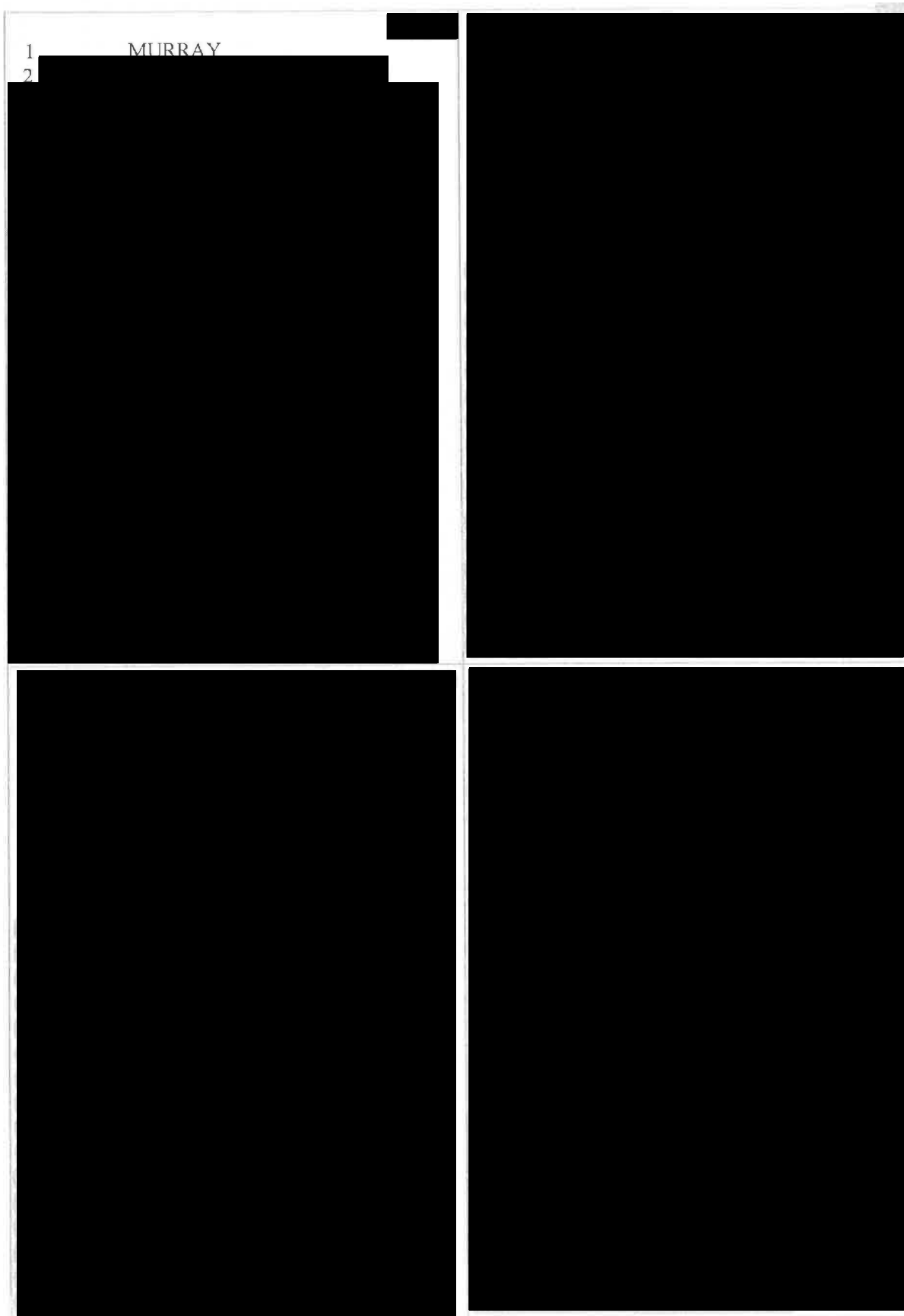
Sincerely,

Amy F. Shulman

EXHIBIT B

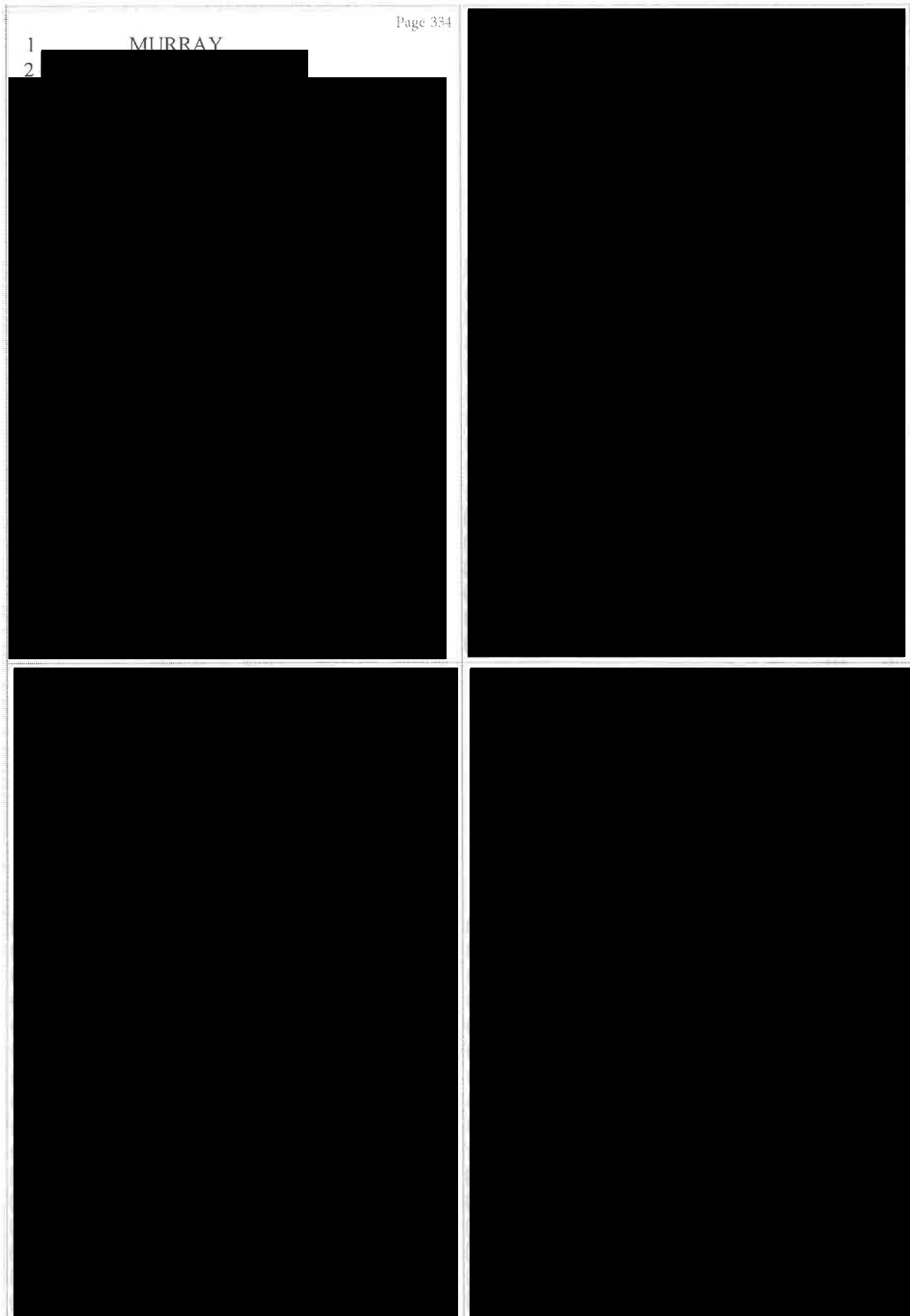


82 (Pages 322 - 325)

<p>1 2</p> <p>MURRAY</p> 	<p>1</p> 
	



84 (Pages 330 - 333)



85 (Pages 334 - 337)

EXHIBIT C

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK
4 Index No. 14 CV 927 (KPF)

5 -----x
6 TREVOR MURRAY,

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8 Plaintiff,

9
10 - against -

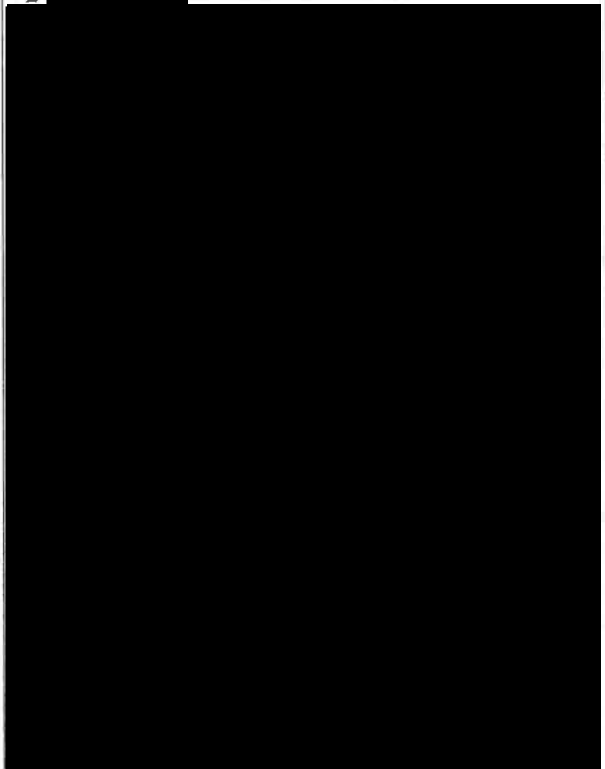
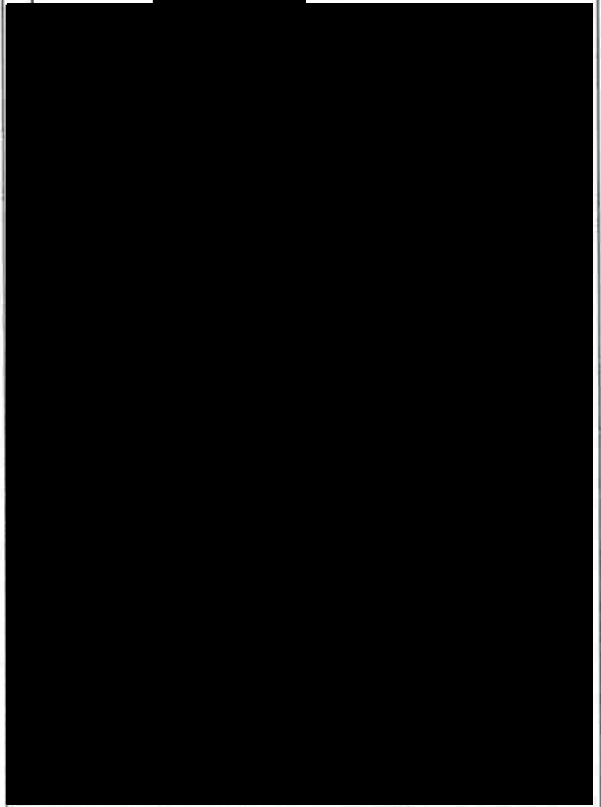
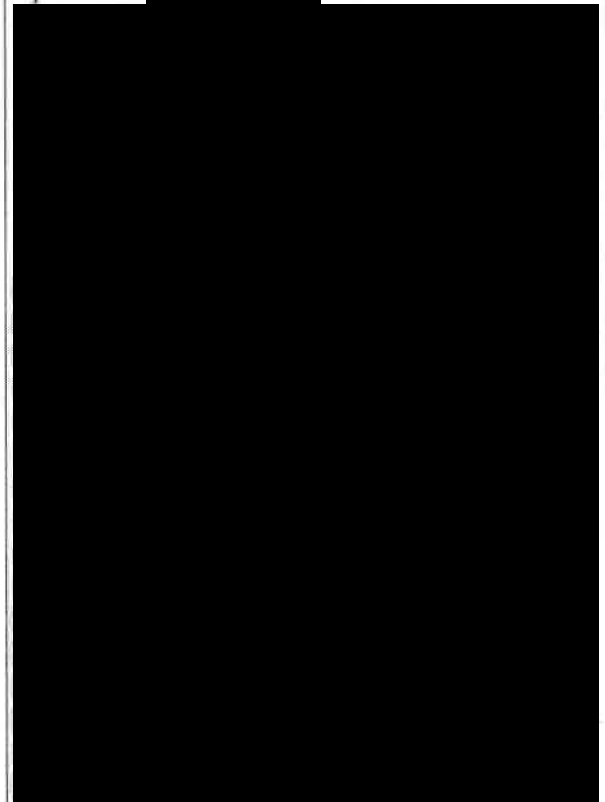
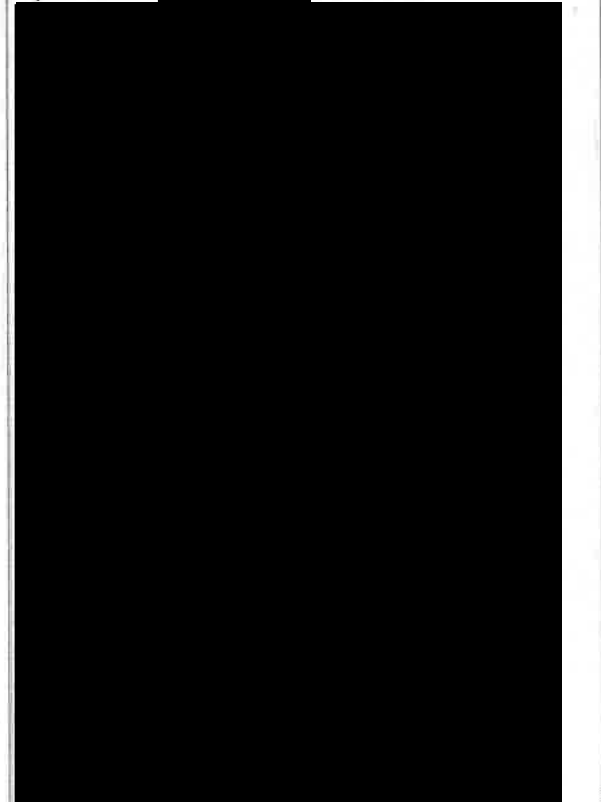
11
12 UBS SECURITIES, LLC and UBS AG,

13
14 Defendants.
15 -----x

16 October 14, 2015

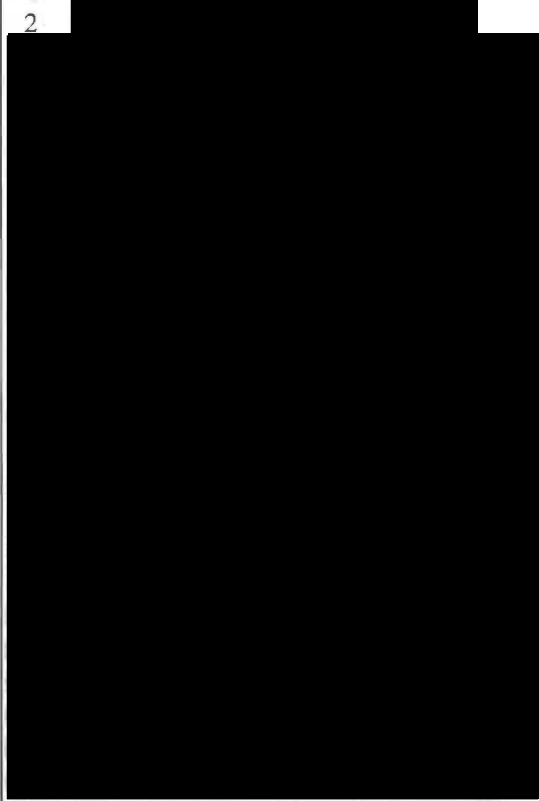
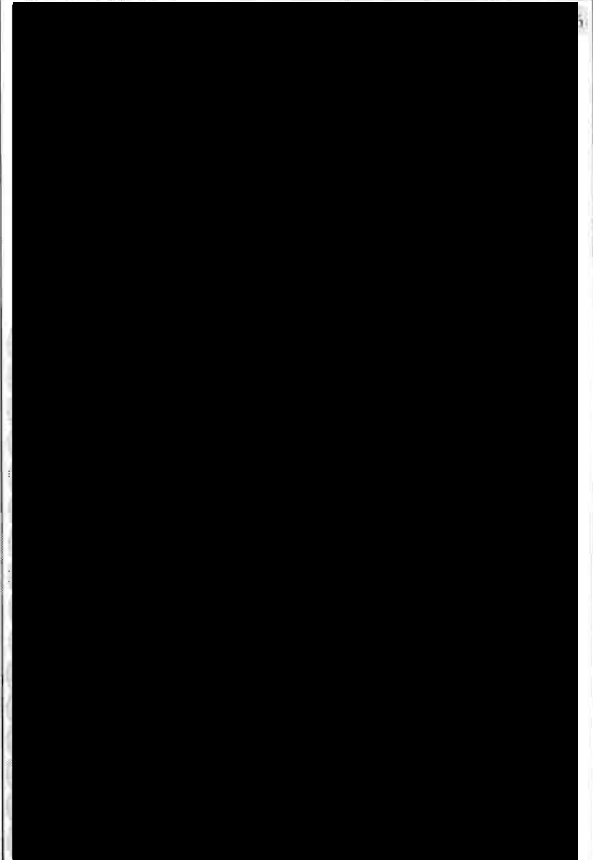
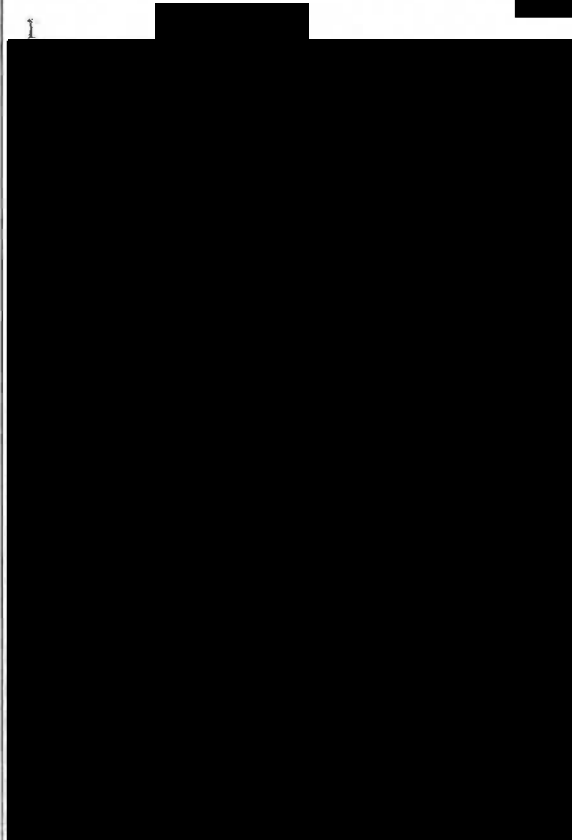
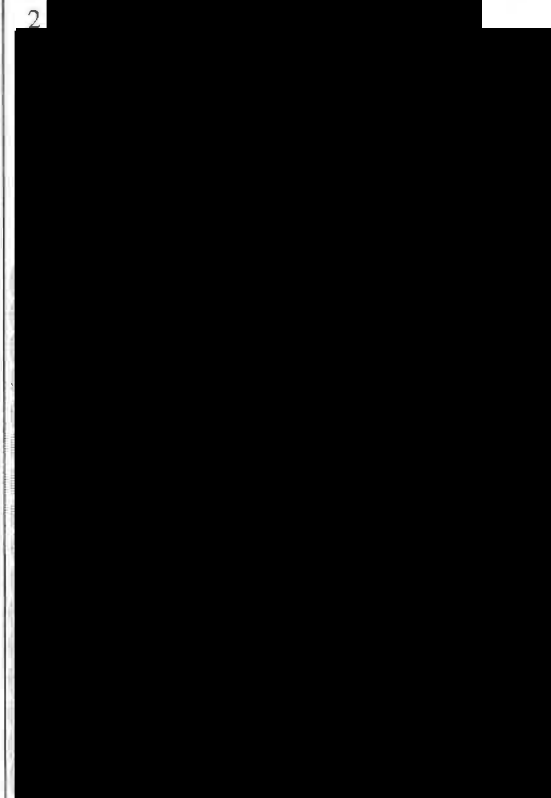
17 9:45 a.m.
18

19 Videotaped Deposition of TREVOR
20 MURRAY, taken by Defendants, pursuant to
21 Notice, held at the offices of Gibson Dunn
22 & Crutcher LLP, 200 Park Avenue, New York,
23 New York, before Jineen Pavesi, a
24 Registered Professional Reporter,
25 Registered Merit Reporter, Certified
Realtime Reporter and Notary Public of the
State of New York.

<p>1 2</p> <p>MURRAY</p> 	<p>1</p> 
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94 (Pages 370 - 373)

<p>1 MURRAY</p> <p>2</p> 	
<p>1</p> 	<p>1 MURRAY</p> <p>2</p> 

EXHIBITD

STUART KLEINMAN M.D.
MURRAY vs. UBS SECURITIES

January 20, 2016
1-4

Page 1

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4 CONFIDENTIAL
5
6 UNITED STATES DISTRICT COURT
7 SOUTHERN DISTRICT OF NEW YORK
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9 TREVOR MURRAY,
10 Plaintiff,
11 Civil Action No.
12 -against- 14 Civ. 0927(KPF)
13 UBS SECURITIES LLC and UBS AG
14 Defendants.
15
16 CONFIDENTIAL DEPOSITION OF STUART KLEINMAN, M.D.
17 New York, New York
18 Wednesday, January 20, 2016
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20
21
22 Reported by:
23 Yaffa Kaplan
24 JCB NO 0276033
25

Page 3

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2 APPEARANCES:
3
4 BROACH & STULBERG LLP
5 Attorneys for Plaintiff
6 One Penn Plaza
7 New York, New York 10119
8 BY: AMY F. SHULMAN, ESQ.
9
10 GIBSON DUNN & CRUTCHER LLP
11 Attorneys for Defendants
12 200 Park Avenue
13 New York, New York 10166
14 BY: RACHELE MONDI, ESQ.
15 GABRIELLE LEVIN, ESQ.
16
17
18 ALSO PRESENT:
19 CHRISTINE M. FITZGERALD, ESQ.
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Page 2

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3
4 January 20, 2016
5 8:04 a.m.
6
7 Confidential Deposition of STUART
8 KLEINMAN, M.D., held at the offices of
9 Broach & Stulberg, One Penn Plaza, New
10 York, New York, pursuant to Agreement,
11 before Yaffa Kaplan, a Notary Public of the
12 State of New York.
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Page 4

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2 IT IS HEREBY STIPULATED AND AGREED by
3 and [REDACTED]
[REDACTED]

STUART KLEINMAN M.D.
MURRAY vs. UBS SECURITIES

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1 S. Kleinman, M.D.
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